



Appeal Decision

Site visit made on 2 December 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/X1355/C/24/3352962

Land north-east of 1 and 2 North Road Tow Law DL13 4BH registered under HM Land Registry Title number DU285478 identifying as '7 Westdale View' Tow Law and shown as plots A and B horizontally hatched on the plan attached to the enforcement notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Ailsa Pickering against an enforcement notice issued by Durham County Council.
 - The notice was issued on 27 August 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of Plot A of the Land to residential facilitated by the construction of a timber framed chalet structure, with the incidental operational development consisting of the erection of means of enclosure, including fencing, gateposts and gates, construction of hardstanding, patio and vehicular access/parking area.
 - The requirements of the notice are to:
 - a. Permanently cease the residential use of the Land and timber framed residential building on the Land.
 - b. Dismantle in its entirety, and permanently remove from the Land, the timber framed residential building constructed within Plot A, including all materials, fixtures, fittings, building rubble and waste.
 - c. Dismantle in its entirety and permanently remove from the Land the concrete hardstanding within Plot A, removing all of the generated debris, and all materials used in the sub-base construction.
 - d. Permanently remove from Plot A of the Land all utilities infrastructure installations for electricity, water, sewage, and Electric Vehicle (EV) charging points, installed for the purposes of facilitating the residential use.
 - e. Dismantle in its entirety, and permanently remove from the Land, the timber boarded fence, metal gate posts and vehicle access gates erected to subdivide Plot A from Plot B.
 - f. Dismantle in its entirety and remove from the Land, the patio area, the timber railway sleepers used to retain the patio areas, the gravel and all of the hard surfacing materials used to facilitate the residential use, vehicular access, and vehicular parking constructed within Plot A.
 - g. Regrade the land within Plot A of the Land to match the levels of the adjacent land and to a condition comparable to its condition prior to the unauthorised works commencing.
 - The periods for compliance with the requirements are:
 - Step 5.a. - 18 calendar months from the date the notice takes effect.
 - Steps 5.b. – 5.g. (inclusive) - 20 months from the date the notice takes effect.
 - The appeal was made on the grounds set out in section 174(2)(b) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - 1) The deletion of the allegation in section three and its substitution with: "Without planning permission the erection of a timber-framed building ("the Building") for use as a self-contained dwellinghouse on Plot A, the laying of a patio, vehicular parking area and other hardstanding on Plot A, and the associated erection of fencing, gateposts and gates to subdivide Plots A and B."

- 2) The deletion of requirements a – g in section five and their substitution with the following:
 - a) Cease the use of the Building on Plot A as a self-contained dwellinghouse.
 - b) Dismantle and permanently remove the Building on Plot A including all materials, fixtures, fittings, building rubble and waste.
 - c) Dismantle and permanently remove from the Land the concrete hardstanding within Plot A, removing all of the generated debris, and all materials used in the sub-base construction.
 - d) Dismantle, and permanently remove from the Land, the timber boarded fence, metal gate posts and vehicle access gates erected to subdivide Plot A from Plot B, the patio area and all of the hard surfacing materials.
 - e) Restore the land to its condition before the breach of planning control took place.
- 3) The consequent replacement of “Steps 5.b. – 5.g. (inclusive)” with “Steps 5.b. – 5.e.” (inclusive) in section six.
2. Subject to the correction and variations, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. Planning permission was conditionally granted in July 2021 for the erection of a dwelling and detached garage and the siting of a caravan during construction, planning permission reference DM/21/02424/FPA.
4. In broad terms the appellant’s case on ground (b) is that the structure is a twin-unit caravan sited in accordance with the planning permission and there has been no material change of use, no new planning unit created and no breach of planning control.
5. That there has been no breach of planning control is a matter for consideration under and pertinent to an appeal on ground (c). Although this ground was not pleaded, the Council has had an opportunity to comment on the representations, and I shall therefore consider the appeal as though this ground had been pleaded.

The appeal on ground (b)

6. The ground of appeal is that the breach of planning control alleged in the notice has not occurred.
7. For the appellant to succeed on this ground, they would need to demonstrate that the structure constitutes a caravan (or that it is not a building) and there has been no material change of use. The onus of proof rests with the appellant and the standard of proof is the balance of probability.
8. In law, a caravan is only a caravan if it meets the description laid down in section 29 of the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (CSA) (as amended).
9. S13(1) of the CSA defines twin-unit caravans as “A structure designed or adapted for human habitation which— (a) is composed of not more than two sections

separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a road when assembled.

10. Section 13(2) sets out the dimensions, which are length (exclusive of any drawbar): 20 metres; width 6.8m and overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level, 3.05 metres.
11. There is no dispute that the dimensions accord with the limitations set out in the CSA however, the appellant must also demonstrate that the structure meets what are commonly referred to as the construction and mobility tests.
12. The appellant argued that the structure was assembled on-site, in two sections, and the final act of assembly involved the bolting of these two parts together however, there is no evidence to support this.
13. It is evident from the Council's submissions, including photographs, that the work on site did not simply involve "assembling" and bolting together two sections. From those images it is evident that a timber framed floor was first constructed, which sits on concrete blocks on top of a concrete base. Insulating material was applied to the floor frame, which was then boarded, and framework for the layout of the exterior walls and internal dividing walls was then affixed to the boarded floor.
14. Thereafter timber framework was constructed in section panels for the internal and external walls, and the timber framework for the roof structure was constructed. The external cladding, roof covering and installation of windows and doors were added to complete the structure.
15. In terms of mobility, whether there is an intention to move the structure is not determinative and it is only necessary that it is capable of being moved by road, not that it would be. Nevertheless, the appellant has provided no substantive evidence to demonstrate that the structure is capable of being moved and given how it was constructed, it is not clear that it could be moved without its structural integrity being compromised. It has therefore not been demonstrated that the structure would meet the mobility test.
16. Since the structure does not meet the construction or mobility tests, it is not a twin-unit caravan for the purposes of the CSA.
17. Section 336 of the Act states a "building" 'includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.' As established by the Courts the main characteristics of a building, as a matter of fact and degree, are size, permanence and physical attachment. No one factor is necessarily decisive.
18. As set out above, the structure was constructed on site from multiple parts. Although it appears to only sit on concrete blocks, the structure is fairly substantial and has already been in place for a couple of years. The land around the structure has been landscaped, with a hardstanding and patio area built up to it and it

seems there is no intention to remove it, which I will discuss below. The reality is that the structure has a substantial degree of permanence even through its own weight and the evidence shows that the structure has been assembled on site from components. Accordingly, as a matter of fact and degree, I consider that the structure amounts to a building.

19. On the balance of probabilities, the building is in use as a dwellinghouse and the other operations were carried out to subdivide the land subject to the planning permission, in order that there are two dwellings in total, one on Plot A and the other as approved on Plot B.
20. However, planning permission has been granted for the residential use of the land (as a garage and garden to the dwelling) by virtue of permission reference DM/21/02424/FPA. Accordingly, I consider the development that has occurred is the erection of a timber-framed building for use as a self-contained dwellinghouse on Plot A, the laying of a patio, vehicular parking area and other hardstanding on Plot A, and the associated erection of fencing, gateposts and gates to subdivide Plots A and B.
21. I shall correct the notice to clarify the allegation and make consequential variations to the requirements; doing so will cause no injustice as it will not change the notice in substance. The alleged breach of planning control, as corrected, has occurred as a matter of fact, and the appeal on ground (b) fails.

The appeal on ground (c)

22. The appeal on this ground is that the matters alleged in the notice do not constitute a breach of planning control.
23. An appellant may rely upon matters occurring since the date of issue of the notice to show that, at the time of the decision, what was alleged does not amount to a breach of planning control. In this respect I acknowledge that at the time the notice was issued there were no active development operations taking place, in accordance with the planning permission, on the wider appeal site. However, operations were evidently begun and substantially completed before my visit.
24. Nevertheless, the building is not a caravan and therefore not authorised by planning permission reference DM/21/02424/FPA.
25. The appellant referred to the permitted development rights granted by Article 3, Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO). It specifies that the provision on land of buildings or moveable structures required temporarily in connection with and for the duration of operations being or to be carried out on that land or adjoining land is permitted development.
26. However, this is subject to the condition (A.2.) that when the operations have been carried out any building, structure, works, plant or machinery permitted by Class A is removed, and any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.
27. As already established the building was erected on site and has been finished internally and externally to a high standard, with the land around and up to the

building having been landscaped, with a hardstanding and patio area, and fencing and gates separating the site from the remaining land.

28. Moreover, I note that the building has been erected on the site of the approved garage. The appellant also stated there were no long-term plans for the future use of the building and in a representation from the appellant's son-in-law it is stated that 'We hope to keep the caravan as an ancillary unit to the main house, in which our family could continue to reside in but still have full reliance and use of the main house.'
29. Overall, it appears to me, as noted by the Council, that the building has more permanence than a truly temporary building intended as a temporary measure during the construction works for an approved development.
30. In any event, the approved dwelling is substantially complete and occupied. Even if the building once fell within the definition of Part 4, Class A of the GPDO, the appellant has not shown that the building is still required for the duration of operations or that there has not been a failure to comply with condition A.2.
31. The appellant has failed to demonstrate that the matters alleged do not constitute a breach of planning control and the appeal on ground (c) fails.

The appeal on ground (f)

32. An appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)).
33. As varied the notice requires that the use of the building as a self-contained dwellinghouse cease, and the building and all associated operational development be removed, essentially that the land is restored to its condition before the breach of planning control took place. Its purpose is therefore to remedy the breach of planning control.
34. The notice does not require the removal of the outer fence which defines the approved curtilage. The appellant's suggestion that the removal of non-boundary fencing, the gate and patio would overcome the Council's concerns, would not remedy the breach of planning control.
35. Since the requirements, as varied, would do no more than seek to achieve the purpose of the notice, to remedy the breach of planning control, they are not excessive. The appeal on ground (f) fails.

Conclusion

36. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

Felicity Thompson

INSPECTOR